IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 8388 of 2007(W)

PETITIONER:

TOMY MATHEW,
MANAGING DIRECTOR, REPRESENTING HOTEL HILL VIEW,
MUNNAR, DIST. IDUKKI.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:
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1. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, KERALA STATE ELECTRICITY
BOARD, CHITHIRAPURAM, DEVIKULAM, DIST. IDUKKI.

2. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY, VYDHYUTHI BHAVAN,
THIRUVANANTHAPURAM.

3. THE DEPUTY CHIEF ENGINEER,
ANTI POWER THEFT (APT) SQUAD,
ERNAKULAM DIVISION OFFICE.

4. THE ACCOUNTANT GENERAL,
STATE OF KERALA, THIRUVANANTHAPURAM.

5. THE CONSUMER GRIEVANCE REDRESSAL FORUM,
THE KERALA STATE ELECTRICITY REGULATORY
COMMISSION, VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

R1 TO R3 & R5 BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE JUDGMENT DATED 1.8.2005 IN WPC 6739 OF 2005

EXT.P2 TRUE COPY OF THE FRESH DEMAND SNOTICE DATED 5.2.2007 ISSUED BY FIRST RESPONDENT.

EXT.P3 TRUE COPY OF THE INTERIM ORDER DATED 19.2.2007 IN WPC 5444/2007

EXT.P4 TRUE COPY OF THE RECEIPT DATED 1.3.2007 IN COMPLIANCE WITH EXT.P3 ORDER.

EXT.P5 TRUE COPY OF DEMAND CUM DISCONNECTION NOTICE DATED 28.2.2007

EXT.P6 TRUE COPY OF THE COMPLAINT DATED 5.3.2007 BEFORE CONSUMER REDRESSAL FORUM.

EXT.P7 TRUE COPY OF LETTER DATED 1.3.2007 SENT TO KERALA STATE ELECTRICITY BOARD.

EXT.P8 PHOTOCOPY OF THE PROCEEDINGS VIDE ORDER NO. C3.24834/95 DATED 18.1.1996

EXT.P9 PHOTOCOPY OF LETTER NO. PLG.COM.923/86 DATED 2/96

EXT.P10 PHOTOCOPY OF THE STATEMENT RECOMMENDATION DATED 3.10.2000

RESPONDENTS' EXHIBITS:

EXT.R1(a) TRUE COPY OF AUDIT REPORT DATED 15.10.2001

EXT.R1(b) TRUE COPY OF ANNEXURE I

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 8388 OF 2007

Dated this the 31st day of May, 2007

JUDGMENT

The balance demand under contest is the differential amount payable on account of short billing due to mis-classification. Therefore there is no scope for interference with the demand. Classification issue is already settled by the judgment of this Court in 2006 (1) K.L.T. 811. However, demand of interest should be limited to the period of default subsequent to serving of addl. demand. W.P is disposed of directing the first respondent to give a detailed statement of accounts to the petitioner showing the addl. demand, credits given for payment, and balance due within a week from the date of production of a copy of this judgment. Petitioner is granted three equal monthly instalments to clear the balance arrears with interest, first of which will be paid on or before 30.6.2007 and the balance on or before the last day of two succeeding months. No disconnection will be made if arrears are paid as above and regular bills are cleared on due dates.

(C.N.RAMACHANDRAN NAIR)
Judge